


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
NORTHERN DIVISION

FILED
SEP 01 2011

CLERK

LONNIE JAMES YOUNGBEAR,

CIV. 10-1021

Plaintiffs,

vs.

JUDGMENT OF DISMISSAL

UNITED STATES OF AMERICA, et al.,

Defendants.

The Court having entered its Order on August 31, 2011, it is hereby


ORDERED that this action is hereby dismissed with prejudice. The disposition of this matter is a first "strike" under 28 U.S.C. § 1915(g). Pursuant to 28 U.S.C. § 1915 and Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997), plaintiff is notified that, if he decides to appeal this order of dismissal to the United States Court of Appeals for the Eighth Circuit:

- (a) The filing of a notice of appeal from this order by plaintiff, a prisoner, makes the prisoner liable for payment of the full \$455 appellate filing fees regardless of the outcome of the appeal.
- (b) By filing a notice of appeal the prisoner consents to the deduction of the initial partial appellate filing fee and the remaining installments from the prisoner's prison account by prison officials.
- (c) Plaintiff, a prisoner, must submit to the clerk of the district court a certified copy of the prisoner's prison account for the last six months within 30 days of filing any notice of appeal.
- (d) Failure to file the prison account information will result in the assessment of an initial

appellate partial fee of \$35 or such other amount that is reasonable, based on whatever information the court has about the prisoner's finances.

Dated this 1st day of September, 2011.

JOSEPH HAAS, Clerk

By: 

Deputy Clerk